UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JAMES M. KINDER,

Plaintiff,

vs.

HARRAH'S ENTERTAINMENT, INC.,

Defendant.

CASE NO. 07CV2226

ORDER DENYING APPLICATION TO STRIKE NEWLY SUBMITTED MATTERS PRESENTED IN [PLAINTIFF'S] REPLY
[Doc. 21]

On December 28, 2007, Plaintiff moved to amend the Complaint to add additional defendants to existing claims. (Doc. 12). After considering an Opposition to the motion and a Reply, the Court issued an order on January 22, 2008 allowing amendment under the liberal standard set forth in Federal Rule of Civil Procedure 15 (the "Amendment Order," Doc. 22). On January 21, 2008, the day before the Court issued the Amendment Order, Defendant filed a "Notice" entitled "Ex parte Application to Strike Newly Submitted Matters Presented in [Plaintiff's] Reply," in which Defendant also applied for leave to file a Sur-reply. (Doc. 21). The application as titled is now moot, since the Court has already ruled on the Motion to Amend. However, even construing Defendant's "application to strike" as a motion for reconsideration of the Amendment Order, such motion is denied since the Court's determination that the liberal standard of Federal Rule of Civil Procedure 15 allowed amendment did not depend upon Plaintiff's evidentiary proffer in his Reply.

IT IS SO ORDERED.

DATED: January 23, 2008

HON. DANA M. SABRAW
United States District Judge